

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TARIQ ALQANAWI,

Plaintiff,

v.

CITY OF PATERSON, et al.,

Defendants.

Civil Action No. 13-1578

ORDER

This matter having come before this Court by way of Plaintiff Tariq Alqanawi's Motion for Default Judgment against Defendant Mahmoud Rabboh [Dkt. No. 48];

and it appearing that Plaintiff filed a Complaint on March 14, 2013 [Dkt. No. 1] asserting causes of action including various violations of the Fourth and Fourteenth Amendments of the United States Constitution, the New Jersey State Constitution, the New Jersey Civil Rights Act, and 42 U.S.C. § 1983;

and it appearing that the Complaint was filed against the City of Paterson, the Paterson Police Department, Mahmoud Rabboh, and John and Jane Does 1-10;

and it appearing that Plaintiff seeks entry of default against only one defendant, Mahmoud Rabboh;

and it appearing that "if default is entered against some defendants in a multi-defendant case, the preferred practice is for the courts to withhold granting default judgment until the action is resolved on its merits against non-defaulting defendants." Animal Sci. Prods., Inc. v. China Nat. Metals & Minerals Imp. & Exp. Corp., 596 F. Supp. 2d 842, 849 (D.N.J. 2008); see also F.T.C. v.

Preferred Platinum Servs. Network, LLC, 10-538, 2010 WL 3883403, at *2 (D.N.J. Sept. 28, 2010);¹

and it appearing that “the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay,” Fed. R. Civ. P. 54(b);

and the Court having considered Plaintiff’s arguments;

IT IS on this 21st day of July, 2015,

ORDERED that Plaintiff’s Motion for Default Judgment is **DENIED** without prejudice; and it is further

ORDERED that Plaintiffs may refile their motion within 30 days of a resolution of the matter against remaining non-defaulting Defendants.

/s/ Madeline Cox Arleo
Hon. Madeline Cox Arleo
UNITED STATES DISTRICT JUDGE

¹ This principle applies with even greater force when liability is joint and several and not all defendants have defaulted. See 10A Fed. Prac. & Proc. Civ. § 2690 (3d ed.).